IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1486 (S/S) of 2005

1. Mohan Singh Koshyri, Assistant Teacher, son of late Sri Tej Singh Koshyari, resident of Gularbhoj, P.O. – Gularbhoj Khas, Tehsil – Gadarpur, District – Udham Singh Nagar presently posted at Purva Madhyamik Vidyalaya Basani Kshetra, Haldwani, post – Bail, Tehsil – Haldwani vaya Patwadangar, Nainital.

2. Makhan Singh, Assistant Teacher, son of Sri Umrao Singh, resident of Town Area, Sultanpur Patti, P.O. – Sultanpur Khas, Tehsil – Gadarpur, District – Udham Singh Nagar presently posted at Purva Madhyamik Vidyalaya Basani Kshetra, Haldwani, post – Bail, Tehsil – Haldwani vaya Patwadangar, Nainital.

……Petitioners.

V e r s u s.

1. State of Uttaranchal through Secretary, Basic Education, Dehradun, Uttaranchal.
2. Joint Director Education (Basic), Kumaon Region, Nainital, Uttaranchal.
3. Basic Shiksha Adhikari (Service), Nainital,
4. Basic Shiksha Adhikari, Udham Singh Nagar, Uttaranchal.

…..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Deep Chandra Joshi, learned counsel for the petitioners and learned Standing counsel for the respondents.

By means of this petition, the petitioner, who are presently working as Assistant Teacher, Purva Madhyamik Vidyalaya Basani Kshetra, Haldwani, post – Bail, Tehsil – Haldwani District – Nainital, have prayed for a writ, order or direction in the nature of mandamus directing the respondents

to relieve the petitioner for district Udham Singh Nagar from district Nainital on the vacant post of Assistant Teacher.

The contention of the petitioners is that the petitioners were appointed as Assistant Teacher in Basic School in District Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioners were teaching in District – Nainital, therefore, options were invited from the petitioners and they have opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list in which name of petitioners are at serial nos. 66 and 20. The petitioners have made representation several times before the Authority concerned to relieve him for the district he has opted. Till date, the respondents have not taken any decision on the representation and they are not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioner within a period of four weeks from the date of receipt of a certified copy of this order. The petitioner is directed to place the copy of this order along with their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic Schools Kumaon Mandal within two weeks from today.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

October 6, 2005
SKSharma